

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Susan D. Wigenton
Crim. No. 09-103
v. :
CONTINUANCE ORDER
EDWIN PENA :

This matter having come before the Court on the joint application of Paul J. Fishman, United States Attorney for the District of New Jersey (by Erez Liebermann, Assistant U.S. Attorney), and defendant Edwin Pena (by Roy J. Kahn, Esq.) for an order granting a continuance of the discovery, motions and trial in the above-captioned matter, and the defendant being aware that he has the right to have the matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to Title 18 of the United States Code, Section 3161(c)(1), and as the defendant has consented to such a continuance, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. Plea negotiations are currently in progress, and both the United States and the defendant desire additional time to finalize a plea agreement, which would render complete discovery and trial of this matter unnecessary;

2. Defendant has consented to the aforementioned continuance; and

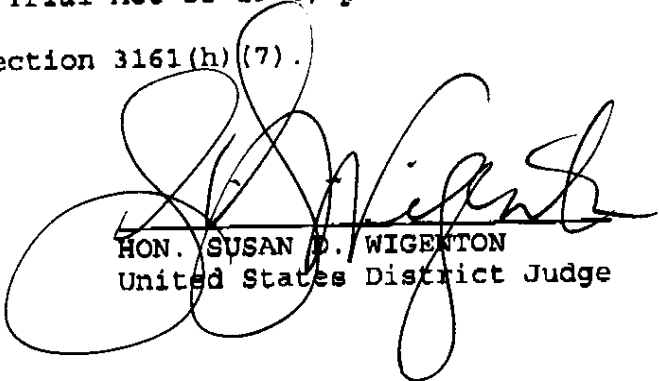
3. Pursuant to Title 18 of the United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

WHEREFORE, on this 18th day of November, 2009,


IT IS ORDERED that all motion calendars in this matter are hereby extended 60 days;


IT IS FURTHER ORDERED THAT the Government will produce discovery commencing on January 13, 2010 or as soon thereafter as a protective order is entered;

IT IS FURTHER ORDERED THAT the period from November 13, 2009 through January 13, 2010 shall be excludable in computing time under the Speedy Trial Act of 1974, pursuant to Title 18, United States Code, Section 3161(h)(7).


HON. SUSAN D. WIGENTON
United States District Judge

Consented to:


Counsel for the Defendant
Roy J. Kahn, Esq.


Assistant U.S. Attorney
Erez Lieberman